

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JEROME H. WALLACE SR.,

Plaintiff,

vs.

UNITED STATES ARMY, and UNITED
STATES,

Defendants.

8:22CV367

MEMORANDUM AND ORDER

Before the Court is Plaintiff's motion to proceed in forma pauperis. [Filing No. 2](#). In his form Motion Plaintiff lists expenses that would impact his ability to pay but under section three titled "Other Income" he notes only that his sole source of income is disability payments but fails to "state the amount that you received and what you expect to receive in the future" as required. [Id. at 1](#). Due to Plaintiff's failure to complete his form Motion to include the amount of his disability income, it is impossible for the Court to determine whether Plaintiff may proceed in forma pauperis. See [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor").

As such, Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the Clerk's Office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#) and includes the amount of his disability

income. Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP, [Filing No. 2](#), is denied without prejudice to reassertion in in a motion to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).

2. Plaintiff is directed to submit the \$402.00 fees to the Clerk's Office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

3. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

4. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **November 30, 2022**: Check for Amended MIFP or payment.

Dated this 31st day of October, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Court